

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

IN RE:)	
)	
CYNTHIA F. TONEY, A/K/A)	
CYNTHIA F. PASSMORE,)	
)	
PLAINTIFF,)	CASE NUMBER: 2:06-CV-949
)	
vs.)	JURY DEMAND
)	
MEDICAL DATA SYSTEMS, INC.,)	
D/B/A MEDICAL REVENUE SERVICES, INC.,)	
)	
DEFENDANT.)	

MOTION OF PLAINTIFF PURSUANT TO FED. R. CIV. PRO. 36
TO DEEM FACTS AS ADMITTED

COMES NOW, the undersigned counsel, and pursuant to Rule 36 Fed. R. Civ. Pro., and hereby moves this Honorable Court to enter an order deeming all of the facts as admitted as stated in the Plaintiff's "Request For Admissions" served on the Defendant, Medical Data Systems, Inc., d/b/a Medical Revenue Services, Inc. (hereinafter, "Medical Revenue"), on May 14, 2007. As grounds for said motion, the undersigned counsel for Plaintiff states as follows:

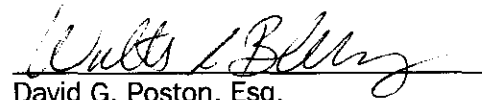
1. The attached Request For Admissions were served upon the Defendant by electronic mail transmission and by the United States mail with other discovery on May 14, 2007.
2. The Defendant has not responded to the Request For Admissions.
3. The undersigned attorney certifies that he has not received the Defendant's response to the Request For Admissions.
4. The time for responding to the Request For Admissions has long since expired. More than thirty (30) days has expired since the service of the Request For

Admissions on the Defendant, Medical Revenue, and more than forty-five (45) days has expired since the initial filing of this civil action.

5. The time for filing objections to the Request For Admissions has also expired.
6. The facts are due to be admitted so as to limit the issues for trial and to save on discovery costs and expenses of all parties.

Respectfully submitted this 9th day of July, 2007.

BROCK & STOUT



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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have this date served a copy of the following upon Russel A. McGill, Esq., Attorney for Defendant, via electronic mail at rumcgl@sbswlegal.com, and by United States Mail, postage prepaid and fully addressed this 9th day of July, 2007.



Walter A. Blakeney